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For fee
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/066,850

Applicant: Ilya AVRUTOV et al.

Filed: February 4, 2002

Art Unit 1625

Examiner: ROBINSON, BINTA M.

For: PROCESS FOR THE PRODUCTION OF SUBSTITUTED 2-(2-PYRIDYLMETHYL)
SULFINYL-IH-BENZIMIDAZOLES

Docket No.: 1662/55702

Customer No.: 23838

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT UNDER 37 C.F.R § 1.111

SIR:

Applicants request that the above-identified application be amended as shown in the
Claim Amendments beginning on page 2. Remarks begin on page 13.

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REMARKS

Claims 1-64 are pending in the present application. Applicants once again thank the Examiner for allowing claims 2-15, 19, 21, 24 and 29-60.

The amendments to claims 1, 4-9, 11, 12, 17, 18, 22, 35, 46 and 47 are cosmetic and would not narrow the scope of the amended claim recitations. For instance, the replacement of "formula B" with "formula B:" in claims 1, 4-9 and 22 would not narrow the scope of the amended claim recitation. The correction of the spelling of "alkyl" in claim 8, the insertion of a period at the end of claims 9, 11 and 35, the deletion of an extra period in claim 46, and the replacement of "the" with "a" in claim 12 have been done merely for grammatical purposes.

Applicants respectfully traverse the indefiniteness rejection of claims 25-28. Applicants submit that a person skilled in the art would have clearly understood that each of claims 25-28 is drawn to a drug, i.e. omeprazole, lansoprazole, pantoprazole or rabeprazole, containing a sulfone by-product, wherein the drug contains less than about 4.5% of the sulfone by-product. Applicants request that the rejections of claims 25-28 be withdrawn.

CONCLUSION

In view of the above reasoning, applicants respectfully submit that all the claims are allowable. A Notice of Allowance is believed in order.

In the event that the filing of this Amendment is deemed not timely, applicants petition for an appropriate extension of time. The petition fee, and any other fees that may be required in relation to this paper, can be charged to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Dated: September 14, 2004

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